



Facultat de Ciències Polítiques i Sociologia

Bachelor Thesis

European Union against Transnational Organized Crime

“EU’s actions against human trafficking in the context of the Syrian and Libyan conflicts”

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Date: June 2020

Major in: Political Science and Public Administration

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ABSTRACT

Human Trafficking remains an unresolved issue that evolves through time and circumstances, it affects society in unspeakable ways. There are many external factors that can aggravate it, migration, for instance can act as a trigger in the development of this problem. Research has shown how difficult it is to identify and measure this matter. This study aims to understand what human trafficking is and what is the European Union doing to combat it, everything in the context of the migration crisis of 2015. Eight documents were analyzed under four categories. The documents were prepared by the European Commission and examined actions taken by the EU to stop trafficking from 2012 until 2019. The four categories examined concepts, actors, tools and institutions. Analysis shows how effortless this problem evolves and how more strict actions are necessary to stop it. Although migration is not a traffic-related problem, it appears to have hampered the situation, making finding solutions a difficult task. Cooperation between Member States and EU institutions seems to be the best way to act against this terrible crime.

La trata de personas sigue siendo un problema sin resolver, el cual evoluciona a través del tiempo y las circunstancias, afecta a la sociedad de maneras indescriptibles. Hay muchos factores externos que pueden agravarlo, la migración, por ejemplo, puede actuar como un desencadenante en el desarrollo de este problema. Investigaciones han demostrado lo difícil que es identificar y medir este asunto. Este estudio tiene como objetivo comprender qué es la trata de personas y qué está haciendo la Unión Europea para combatirla, todo en el contexto de la crisis migratoria de 2015. Se analizaron ocho documentos bajo cuatro categorías. Los documentos fueron preparados por la Comisión Europea y examinaron las acciones tomadas por la UE para detener la trata desde 2012 hasta 2019. Las cuatro categorías examinaron conceptos, actores, herramientas e instituciones. El análisis muestra cuán fácil es la evolución de este problema y cómo se necesitan acciones más estrictas para detenerlo. Aunque la migración no es un problema relacionado con el tráfico, este parece haber obstaculizado la situación, por lo que encontrar soluciones es una tarea difícil. La cooperación entre los Estados miembros y las instituciones de la UE parecen ser la mejor manera de actuar contra este terrible crimen.

ABBREVIATIONS

EC: European Commission

HT: Human Trafficking

THB: Trafficking in Human Beings

MS: Member States

Key words: Human Trafficking, European Union, European Commission, Directive 2011/36/EU, Strategy 2012-2016, exploitation.

1. INTRODUCTION

Human Trafficking (HT) suppose one of the biggest challenges for the European Union (EU). Year after year, the EU has set priorities and goals in order to tackle it.¹ Nevertheless, there are many factors that had deteriorate the situation or made it almost impossible to control. The refugee crisis that struck Europe in 2015 is one of these factors. With both situations combined the EU had to act fast, depending mostly on cooperation with Member States and EU agencies. HT is a problematic matter to discuss and measure. Analyzing the causes and development of trafficking is the only way to stop it.

Since the Syrian and Libyan conflicts began in 2011, the EU experienced an extraordinary affluence of refugees and migrants. This migration crisis encompasses people seeking for asylum due to the overlapping political, economic and humanitarian emergencies happening in their countries. The EU is responsible for providing protection for those in need. The problem is that not everyone is in need of protection. Some people try to reach Europe only for financial reasons, this persons are known as economic migrants.² To deal with this crisis the EU has adopted many measures. Including, among others, trying to resolve the issue of irregular migration from its root and increase humanitarian aid.

Human trafficking is not a migration-related problem, but it is important to mention that both affect each other making these issues more difficult and challenging. Victims of HT reach Europe as part of 'mixed migration flows', described as 'complex migratory population movement including refugees, asylum-seekers, economic migrants and other types of migrants as opposed to migratory population movements that consist entirely of one category of migrants.'³ Mixed migration flows make victims identification a harder task. Meanwhile, smuggling is a migration-related problem that requires a different response. Nearly 90% of refugees and migrants have used the service of smugglers to reach Europe. ⁴Although both

¹ For detailed information regarding trafficking in human beings at EU level please visit the dedicated EU Anti-Trafficking Website. <https://ec.europa.eu/anti-trafficking/>

² Economic migrant: A person who leaves their country of origin purely for economic reasons that are not in any way related to the refugee definition, in order to seek material improvements in their livelihood. Available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/economic-migrant_en

³ European Commission glossary, available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/mixed-migration-flow_en

⁴ See <https://op.europa.eu/webpub/com/factsheets/migration-crisis/en/#what-is-the-eu-doing>

problems are interconnected, under a European and international legal framework victims of trafficking have a higher level of protection than victims of smuggling.

Libya and Turkey work as a retaining wall between Europe and Africa and the Middle East respectively. On one hand, Syrian refugees try to reach Europe from Turkey. On the other hand, Libya serve as a connecting point for African refugees who try to reach Europe. The two 'interconnecting points' is where traffickers and smugglers work the most.⁵ The biggest problem for the EU lies in these connecting points, identification of victims and how traffickers operate.

The main objective of this research is to examine the actions taken by the EU in order to fight trafficking in human beings, between 2012 and 2019. The reason to select this period, is that it encompasses both the Syrian and Libyan conflicts and the consequences these events had on the rise of migration flows to Europe. The EU had to take many measures regarding the flow of people who were trying to escape their countries and reach European soil at any cost. The response from the EU to confront this situation was granting asylum to the people who needed the most, the case is that every person needed it the most.⁶ Every member state made the commitment to receive a specific number of people seeking for asylum, not every state fulfilled this demand. The migration flow is still a big challenge that the European Union cannot quite tackle. The study takes place in the contexts of these two conflicts, because migration flows worked as a trigger in increasing trafficking in human beings. People's desperation to escape see no boundaries. It is this desperation and fear what makes human trafficking prone to appear. Traffickers take these situations and profit from them.⁷

The work is aimed at understanding what is HT, what it encompasses and how it changes. The analysis of documents prepared by the European Commission (EC) to the European Parliament and the European Council will serve as a guide for this means. The documents examine and include strategies and identification of further concrete actions, reports on progresses made and actions against HT. Each document is examined under four categories, that will help have a

⁵ For detailed information regarding this please visit Mapping Migration. https://www.ecfr.eu/specials/mapping_migration

⁶ See https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en

⁷ See <https://www.europol.europa.eu/newsroom/news/migrant-smugglers-and-human-traffickers-to-become-more-ruthless-and-clandestine-says-new-europol-report>

better understanding of the topic. The focus will be on identifying conceptual developments, creation of new tools, reform of institutions and redefinition of actor's roles.

The rest of this work is organized as follows. First, a brief definition of key concepts is provided. Second, the methodology of the research is explained. Third, documents are analyzed under the four categories chosen. Finally, the research is concluded remarking the most important points.

Definitions are necessary to have proper clarity in how the concept is depicted and the many forms it can take. Also, a common mistake is to confuse trafficking with smuggling. The research is situated under a context where differentiation is required, because both are crimes that are committed and judged in distinct ways.

1.1 Trafficking in Human Beings

Article 3 of the Palermo Protocol defines this issue as the recruitment, transportation and receipt of persons, by means of threat or other forms of coercion, the abuse of power or of the giving or receiving of payments and benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation'.⁸ THB is a grave violation of human rights and an abominable crime. It is explicitly prohibited in the EU Charter of Fundamental Rights, Article 5, paragraph 3. The one that declares that human trafficking and slavery are completely forbidden.⁹ It is a violation of freedom and human dignity. In most cases countries cannot effectively address and manage the situation. THB takes many forms and evolves according to time and circumstances. Measuring Data is challenging due to its complexity.

1.2 Smuggling or Trafficking

The patterns between these two crimes are alike. Legal distinctions are what differentiates them. Smuggling is the facilitation of illegal immigration; this is a crime that infringes border-related laws. THB is a crime against an individual, due to the violation of the person's fundamental rights. Both crimes require the transportation of humans, Smuggling demands the

⁸ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 15 November 2000

⁹ See https://www.europarl.europa.eu/charter/pdf/text_en.pdf

crossing of borders, HT can happen within the same territory. Another distinction relies around consent. In smuggling, migrants' consent to be transported, once they reach their destination, the connection with the smuggler is over. In HT, victims' consent (in most cases) to be transported, but the connection with the trafficker does not stop when they reach the destination; the victim suffers threats, coercion or fraud with the purpose of being exploited.¹⁰

1.3 Forms of exploitation

Exploitation is just the purpose, there are many forms in which this phenomenon emerges. HT is divided in three broad forms:

- Sexual Exploitation

Comprises the most frequent form of exploitation in Europe. This form of exploitation is gender-specific, due to the greater part of victims are women. The problem with this type of exploitation is that within MS sexual services are on high demand. In the document Data Collection on Trafficking in Human Beings in the EU, this form made up to 56% of registered victims.¹¹

- Labor Exploitation

This is the second most usual form of exploitation. Involves practices like slavery, servitude, debt bondages and other forms similar to slavery. This kind of exploitation is increasing around Europe, due to the demand for low cost services. The major problem with this form is that in most cases victims are not aware of the exploitation. Data Collection for this form of trafficking made up to 26% of registered victims.¹²

¹⁰ EUROPOL Situation Report, available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings_-_europol.pdf

¹¹ Data Collection on Trafficking in Human Beings in the EU, EU 28, 2015-2016, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf

¹² Ibid.

- Other forms of exploitation

Apart from the above-mentioned forms, other sorts of exploitation that occur in the EU are forced criminality (e.g. drug production or dealing, theft and robbery), forced street begging and forced sham marriage. Data Collection for this form of trafficking made up to 18% of registered victims.¹³

The main problem is HT, but the context underneath is the migration crisis of 2015. It is important to notice how both converge and difficult the solution of each of them. The EU counts with a strong institutional framework to try to stop this, but irregular migration acts as an added challenge.

¹³ Ibid.

2. METHODOLOGY

The first step of this research was to define trafficking in human beings in a global context and in a European one. Then, a search for documents that engage this issue from 2012 until 2019 was made. The EC's website¹⁴ offers a variety of information concerning human trafficking; so, most of the information was gathered from there.¹⁵ Academic articles and reports were also used to complement the work. At the end, eight documents were chosen to perform this analysis, the selection criteria of the documents were based in the type of document, actors involved, relevance and date range. However, the problem lied in what to analyze in these documents. Focusing on progresses achieved during those years, appeared to be something very hard to identify and analyze, due to the intricacy of the subject and the lack of time to make a proper analysis. Looking for something more attainable was the goal. This is a very broad topic; it can be studied in different ways. Consequently, four categories that include the most important features were chosen to carry out the research.

These categories functioned as a guide to analyze the documents. The categories are conceptual developments, creation of new tools, reform of institutions and redefinition of actor's roles. The first document was the Eu Anti-Trafficking Directive, it served as a starting point to comprehend the actions the European Union had to take when the crisis began. The documents that precede the Directive serve as a continuation of what was done year after year on the subject. Strategies, progress reports, follow-ups, funded projects and data collection.

Acrobat reader was used as the main tool to organize and analyze the documents. The analysis was conducted by identifying key concepts in the four categories. To do this, the advance search instrument was used. Acrobat reader allowed the search of specific concepts in the eight documents at the same time. Hence, analyzing how the notion of HT has changed over time, the instruments created to try to tackle it, how institutions had to reform to fight this problem and more, was easier due to this tool. It is important to point out that the research also leans in the revision of academic articles and reports from think tanks concerning THB.¹⁶

¹⁴ See https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings_en

¹⁵ See https://ec.europa.eu/anti-trafficking/eu-anti-trafficking-coordinator_en

¹⁶ The articles and reports used were:

The initial category to study is conceptual developments, this would help to understand how HT is treated in the first place, how the issue is defined in 2012 and how it has been evolving every year. Not only human trafficking but also everything it entails. Conceptual developments allow to see how the issue is treated in every document, how it evolves with time and circumstances.

The second category is creation of new tools. The Palermo Protocol of the United Nations (2000) was the first text to discuss and give the issue the magnitude it should have. In Europe, the Directive (2011) was the instrument used to battle with HT when the conflicts started, but the issue got bigger and harder to handle. Consequently, the creation of new tools was necessary to back up the Directive.

The third category is the reform of institutions. This category presents difficulties when it comes to its analysis, due to the complexity of the EU itself. The model of shared sovereignty the Union has, presents many problems when it comes to tackling an issue as difficult as human trafficking. Every Member State is responsible in how to deal with HT, meaning by this how to control, stop or penalize the issue. The EC is trying very hard that States take more accountability when it comes to this. In this category the main goal is to see the ability the EU has to reform itself when it comes to this subject.

The last category is the redefinition of actor's roles. The research focus in HT in the context of the Syrian and Libyan conflicts. Thus, since the beginning of the crisis and how human trafficking develop around this, actor's roles change in many ways. In this classification seeing the actions of the main actors (from Member States to EUROPOL and the EU) and how this actions evolve and redefine is key in how the problem is approach and managed.

As mentioned before, HT is such a broad matter to analyze. The biggest difficulty in the research was what to analyze and how to do it. The amount of information on this topic is

Smuggling, Trafficking and Extortion: New conceptual and policy challenges on the Libyan route to Europe, The International HT of Syrian refugees and The EU and the migration crisis.

massive, therefore, choosing documents according to the context and setting categories was crucial.

3. ANALYSIS OF DOCUMENTS

The documents were examined under four categories with the objective of observing the outreach of the problem and actions taken to tackle it.

3.1 Conceptual Developments

The first document analysed was the Directive 2011/36/EU. In this document, HT is defined as a serious crime, committed within the framework of organized crime.¹⁷ Article 2.1 of it includes three exclusive elements in HT: acts, means and purpose. First, the act is related to the impose of control over a person, for example the recruitment and transport of the victim. Second, the means is how the control is obtained, for example threat or coercion. Finally, the purpose is exploitation for monetary gain.¹⁸ The Directive recognizes is a gender-specific phenomenon, meaning by this that affects women and men in a different way. Both are recruited for diverse purposes and their experiences are also different. It also supports that a broader concept is necessary to cover the magnitude of the problem.

A year after, the EU Strategy towards the eradication of Trafficking in Human Beings 2012-2016 was launched to support the Directive. The Strategy was meant to be a guide and complement to tackle this obstacle for four years. Trafficking in human beings acquire a wider meaning, stating that is a complex transnational phenomenon rooted in vulnerability, poverty, lack of democratic cultures, gender inequality and violence against women.¹⁹ First it was mostly depicted as a crime, but the Strategy allows to observe that it is an issue that transcends borders, also, the roots of the problem itself. The Strategy rectifies is a gender-specific issue, therefore, tries to give the problem a gender sensitive approach. This approach is meant to address how human trafficking is a form of violence against women. Another approach that the Strategy address is how it affects children and how the age of trafficked persons is lower every time. Thus, a child-sensitive approach is required to manage this subject. While the Directive specify the elements of the crime, the Strategy set priorities to stop it. There are five: Identify, prevent, prosecute, coordinate and respond.

¹⁷ Art. 1 Directive 2011/36/EU

¹⁸ Art. 2.1 Directive 2011/36/UE

¹⁹ EU Strategy 2012-2016, p.2

In 2017, the Report on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions was set, to see the progress achieved. The report emphasizes that trafficking in human beings is a highly profitable crime with an obvious gender dimension. However, remarks something that was not explicitly treated in the Directive nor the Strategy. Human Trafficking as a complex interplay of supply and demand, comprising an entangle chain of actors who may know or not know that are involve in the crime.²⁰ The problem is treated as a business, making it more difficult to intercept. The fact that people do not have a clear idea if they are part or not of this phenomenon makes victims identification almost impossible. The Commission decided that this issue requires appropriate attention.

Consequently, a year after the report, a second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims was released. The second progress report states that trafficking in human beings is a constantly evolving serious form of organized crime. The perpetrators receive high profits by abusing vulnerable people, the result is a permanent damage for the victims and societies. ²¹ The unresolved issue until the second report is impunity, how the offenders find ways to not be punish for this vile crime. Until the second report, there was not concrete data of the decrease of human trafficking. Nonetheless, there is a predisposition in identifying victims of specific forms of trafficking, leaving other victims out. A huge step from the Directive and Strategy, can be find in this report. The compensation and non-punishment principle for the victims, it allows victims to ask for a monetary compensation and to not be judge for criminal activities they were forced to commit.

Besides, the second report, in 2018 the Data collection of trafficking in human beings in the EU was published. Data collection and report of statistics is demanded by Articles 19 and 20 of the Directive 2011/36/EU. In this report, human trafficking is described as the buying and

²⁰ Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions, p.1.

²¹ Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

selling of women, girls, men and boys like merchandises.²² The problem evolved in such a way that now is treated as business. Perhaps, the fact that it reached a cross border dimension and the lack of appropriate punishment for the perpetrators helped in making this offense a profitable market. To add more information is important to remark that apart from the difficulty of the issue, the migration crisis that Europe had to bear in those years aggravated the problem in a major way. The European Agenda on Migration of 2015 stress how migration can affect trafficking and smuggling. In the Detecting and protecting victims of trafficking in hotspots document, European Parliament highlights that refugees and migrants are more vulnerable in being trafficked.

3.2 Creation of new tools

To have a better context of the situation is important to mention which were the key instruments in addressing HT before. Since the beginning of the decade, the Palermo Protocol of the United Nations, the Council Framework Decision 2002/629/JHA and the Convention on Actions against Trafficking in Human Beings²³ served as major guideline to combat human trafficking at an international and European level, respectively. The thing is, THB is a problem with a great capacity to adapt to the circumstances and evolve in a way that tackling it is almost impossible. The migration crisis of 2015 was one of these circumstances. Important to remark that HT is not a problem of migration, but migration makes the issue harder to control.

Therefore, in 2011 as a replacement the Directive 2011/36/EU was created. The main tool that came with the Directive was the creation of an Anti-Trafficking Coordinator, the main responsibility of the coordinator is to improve coordination and coherence among the EU and MS. Provide both with reliable, objective and strategic information in HT and how to combat it at a Union level.²⁴ From 2011 until February 2020 the EU Anti-Trafficking Coordinator was Dr. Myria Vassiliadou.²⁵

²² Data collection of trafficking in human beings in the EU, p.12.

²³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Council of Europe, Warsaw, 16 May 2005.

²⁴ Directive 2011/36/EU (27)

²⁵ For more information regarding the Anti-Trafficking Coordinator please visit the EU Anti-Trafficking Coordinator Website. https://ec.europa.eu/anti-trafficking/eu-anti-trafficking-coordinator_en

To support the implementation of the Directive 2011/36/EU another instrument was created a year after, the EU Strategy towards the eradication of Trafficking in Human Beings 2012-2016. The Strategy's main objective is to provide a coherent foundation on existing initiatives, set priorities and complement the work done by Member States, EU agencies and international organizations. The new instruments that came with the Strategy focused in three main areas, technology, identification and prosecution. In the area of technology, the Commission developed a website dedicated completely to HT. The website seeks to give relevant information, projects and publications on the topic.²⁶ Also, the use of social media and the internet to create activities to raise awareness around all the EU. In the area of identification, the creation of national and transnational referral mechanisms and specific guidelines for consular services and border guards will serve to better identify, assist and protect victims of HT. In the area of prosecution, the creation of law-enforcement units on HT and the creation of joint investigation teams, involving Europol and Eurojust to control cross-border trafficking cases.

In 2017, the Commission in a Communication to the European Parliament and the Council report the follow-up to the EU Strategy 2012-2016. The Communication pursues to fully implement the Directive and the Strategy. At this moment trafficking was treated as a business, therefore, the goal was to disrupt the business model. As the concept evolve so did the documents, trafficking was address by different approaches. Victims became a priority for the EU. Consequently, the goal was to provide a better access to information for victims, regarding their rights. The Commission published 'The EU rights of victims of trafficking'²⁷, this text serves as an instrument for victims to recognize and demand their rights. Mixed migration flows make access to this information difficult. In addition, the issue was given a child-sensitive approach, due to the increase of underage victims. The '10 EU principles for Integrated Child Protection Systems'²⁸ was implemented to help MS.

²⁶ See <http://ec.europa.eu/anti-trafficking>

²⁷ 'EU rights of victims of trafficking in human beings', available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_rights_of_victims_of_trafficking_en_1.pdf

²⁸ '10 EU principles for Integrated Child Protection Systems', available at https://ec.europa.eu/info/sites/info/files/10_principles_for_integrated_child_protection_systems_en.pdf

To supervise the Communication report, a year after, a second progress report was launched. The second report's main objective is to observe if the tools in the communication report were implemented, also, to collect more Data. After, the analysis of the second progress report, there is one important thing nor the Commission, nor the MS have fully achieved, cooperation. Funded projects were presented as an asset to overcome this matter, the Commission released a final report on the Study on comprehensive policy review of anti-trafficking projects. There are 321 European Commission projects with a funding of 158.5 million euros.²⁹ These projects count with a variety of instruments. Like durable solutions for the safe return of victims, medical treatment in the cases of organ removal and legal advice and access to justice for victims. Although, the projects generate useful tools that contribute in fighting human trafficking, there is more to be done. Areas that need further analysis are improving child protection services, smarter use of existing laws to eliminate profit-making form exploitation, make more emphasis in other forms of exploitation, not only sexual. The EU never stops working for solutions and always contribute with new instruments in the battle against this crime.

3.3 Reform of institutions

Since its creation, the Union had to deal with different kind of incidents. From the cooperation for a peaceful Europe, its rapidly growing community until reaching a Europe without borders. Nowadays, the EU faces more compound issues. 2010-2019 was a defiant decade for the EU. The global economic crisis, security problems with the neighbour Russia and an unprecedented migration crisis. The EU had to adapt to every circumstance and act accordingly.

THB is a phenomenon that knows no borders or laws, evolves without effort. This complication is the biggest challenge the EU has to put up with. There are many legal instruments to oppose trafficking, at an international and at an EU level. Nonetheless, the problem has acquired such magnitude, that instruments are not enough. Institutions should take a step further and take a bigger role when it comes to HT. The problem, as mentioned before, evolves rapidly, instruments have to adjust to it, but also institutions should reorganize and reform. The model of shared sovereignty of the EU suppose a problem when it comes to this matter. The European

²⁹ See https://ec.europa.eu/anti-trafficking/eu-projects-and-funding_en

Union grants Member States with full responsibility to fight HT. MS are expected to control, stop and penalize this crime. On the other hand, the EU provides MS with tools and help to prevent and combat THB. Year after year, this problem is been a priority for both.

The EU counts with an institutional framework that encourage and protect objectives, ethics and interests of MS. This institutional framework is aimed at ensuring coherence and efficiency of the Union policies and actions. To illustrate this, the Directive 2011/36/EU is a document of the European Parliament and the Council. In order to supplement this document, the EC designed and created the EU Strategy 2012-2016. Therefore, is easy to observe how EU institutions work with each other in order to provide solutions. There is a slight setback with working together. Sometimes policies and actions are at risk of been duplicated and overlap each other. In this case, institutions must coordinate to avoid this. Subsequent to the release of Strategy 2012-2016, every year the Commission reports to the European Parliament and the Council on follow up and progresses made. The Data Collection and the Study on comprehensive policy review of anti-trafficking projects were also reports made by the European Commission.

The EU always goes a step further in the search of solutions. Since the crisis began some actions, apart from the previous mentioned ones, have been taken. One of them is EUNAVFOR MED Operation Sophia.³⁰ This operation is an inclusive response to the migration issue, seeking to end the root causes of migrant smuggling and trafficking. The mission is to identify, capture and intervene smugglers and traffickers. Contributing with the EU in stopping this awful crime. Another action is the collaboration between the EU and UNODC, both launched a 15 million euros project.³¹ Is a three-year-old project aimed at dismantling criminal networks. The project will support north-African countries. The goals are early detection of victims in borders, strengthening investigations to prosecute perpetrators and building law enforcement agencies for an effective dismantling. The EU and UNODC will work closely with the beneficiaries. THB gets more complicated each time, but the EU is always up for the challenge with new alternatives and solutions. As part of the EMPACT Joint Action Days 2019, Europol carry out an operation that took place in 23 European countries.³² The operation targeted human

³⁰ See <https://www.operationsophia.eu/about-us/>

³¹ See <https://www.unodc.org/unodc/en/frontpage/2019/August/the-european-union-and-unodc-launch-15-million-euro-project-to-dismantle-migrant-smuggling-and-human-trafficking-criminal-networks-in-north-africa.html>

³² See <https://www.occrp.org/en/daily/10937-europe-police-arrests-162-suspects-of-various-crimes>

trafficking, migrant smuggling and drug trafficking. The EU cooperates with every agency in order to stop organized crime.

The biggest challenge for EU institutions is, first, the fact that when it comes to this issue, MS are the ones in charge of dealing with it. Also, the fact that some MS have not ratified legal instruments regarding human trafficking. The European Commission is the institution that urges MS to formalize these tools. EU Institutions reform to the extent that the problem evolves.

3.4 Redefinition of actor's roles

Trafficking in Human Beings involves many actors, from Member States, the EU, to third countries and victims. Each one of these actors' roles vary according to time and circumstances. Added to this, the migration crisis also appears to be an issue that affects how actors respond. The first document, Directive 2011/36/EU, intend to guide MS in how to overcome this issue. MS are responsible for every aspect of HT. They are supposed to cooperate with other countries, civil society and international organizations; coordinate investigations and prosecutions; protect and provide resources to support victims; establish policies to prevent trafficking; impose sanctions to users; plus, more actions and relevant measures with the solely purpose of stopping this problem.³³ On the other hand, the EU and its institutions play a more counselling role. The EU provide actors with the Directive, the Strategy 2012-2016, reports following up the strategy, data collection, reports on funded projects, also an agenda on migration in reference to the refugee crisis. The main goal of the Union is that actors use these instruments and act accordingly. Third countries have been playing an important role in fighting trafficking. The Directive states that third countries should act along Member States raising awareness, supporting and assisting victims and combating the root causes of trafficking.³⁴ Furthermore, victims are having a more important role in demanding their rights.

While in the Directive actions were more addressed to measures MS should take. In the Strategy, the involvement of a more diverse group of actors is needed. Including police officers, border guards, public prosecutors, immigration and asylum officials, trade unions, consumer

³³ The Directive 2011/36/EU

³⁴ The Directive 2011/36/EU, Article 2

and employers' organizations, health, social and safety inspectors, also important, legal guardians and representatives, child and victim support system.³⁵ There is a wide range of actors that are prone to come into contact with victims of trafficking, these actors should be properly trained to identify possible victims. Moreover, the Strategy, urges EU and non-EU countries to take a more relevant role when it comes to victims. Including in this matter, the reintegration of victims into society.

Since the Directive and the Strategy were adopted, there were many events that change the global sphere, some of them acted as triggers that worsen trafficking in human beings. For instance, the refugee crisis, was an external action that directly or indirectly difficult this issue. The crisis became a situation that called for more action on the EU part. An action that should prioritize a human rights-based, gender-specific and child-sensitive approach. The role of actors became more multifaceted, the problem demanded a specific kind of response.

In the second report on the progresses made in the fight against trafficking in human beings, the role of two important actors is delineated, traffickers and victims. Previously, their role was left aside, in the sense that they were simply part of the problem to solve. However, the role that both actors play is crucial. In the second report, it can be observed how perpetrators are constantly renewing the way they work. From how they abuse victims, to how they recruit them. Physical abuse is been replace with psychological and emotional abuse. The internet and social networks are used as platforms to recruit victims and for logistics. Besides, traffickers are linked to other crimes, like drug trafficking, document fraud, currency falsification and migrant smuggling. The role that victims play in this issue is complicated, this due to the lack of information they have about their rights. Like with traffickers their role has also been transforming. Currently, victims are assured their rights. For this, the victims count on 'The EU rights for victims of trafficking', available in all official EU languages. Additionally, victims are entitled to receive a compensation, and most important, the fact that they will not be punished for crimes they were forced to commit.

Europol is been an asset to combat HT. Provides Member States with operational support. Meaning by this, that MS are assisted in the investigation and prosecution of traffickers. Before the Directive, Europol counted with an operational project against human trafficking. The

³⁵ The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, p. 5

project's principal function was helping MS law enforcement authorities in preventing and combating crimes associated with trafficking in human beings. With the release of the Directive, Europol obtained a specific framework and tools to work with. The Strategy 2012-2016, also, works with Europol. The Strategy created law-enforcement units that work as contact points with Europol, delivering important information to prosecute traffickers.³⁶ Similar to EU agencies, Europol fully depends on cooperation with Member States to stop this crime. Time has redefined how actors perform in this convoluted problem. MS with the help provided by EU institutions have the lead and resources to stop this. Cooperation as a major weapon.

³⁶ The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, Priority C, Action 1.

4. CONCLUSION

Human trafficking is a complex phenomenon, encloses many different processes. This is why it is hard to define, discuss, measure and stop. The main purpose of this analysis has been to identify the actions taken by the European Union in order to tackle trafficking in human beings to Europe, under the context of the refugee crisis of 2015. This has been done by analysing documents prepared by the European Commission that address this topic and propose solutions to halt it. For the analysis four categories were chosen to have a better understanding of the problem, instruments, institutions and actors involved. EU's actions have been a major when it comes to this matter, but there are still some limitations.

This research illustrates the evolutionary ease of the problem. Trafficking can take many forms, knows no boundaries or borders. Mixed migration flows have hardened this matter, making identification and protection of victims almost impossible. In order to approach such an intricate topic, categorization of features was necessary. First, identification of conceptual developments to understand the problem from its root. HT is depicted as a serious crime that has taken a gender dimension, affects men and women indifferent ways. The vast majority of victims are women, making trafficking a form of violence against women. Document after document HT becomes a phenomenon with a limitless complexity. So difficult it ends up portrayed as a highly profitable business with the advantage of impunity. These characterizations of the problem reassure how malleable it is. With the development of the concept, the EU engage with more actions to combat it. These actions were portrayed in the second category, creation of new tools. Within the two major documents (Directive 2011/36/EU, Strategy 2012-2016) the EU generated many tools according to every set priority. Like the creation of an Anti-Trafficking Coordinator to ensure coordination among Member States and EU agencies. Victims became priority number one for the EU, the goal was to create instruments to identify, protect and reassure their rights. Guides like handbooks were created for this matter to help MS. Another priority was prosecuting perpetrators to finish the benefit of impunity, for that the EU created joint investigations and law-enforcement units. The third category shows how in spite of its complicated model of shared sovereignty, the EU find a way to evolve and reform to fight trafficking. MS and institutions working hand on hand to halt HT. Last category remarks how actors have reinvented their roles. Is important to mention that MS are the lead actors when it comes to combating HT. Meaning by this that they are in charge of controlling, preventing and stopping this matter. Other actors that reinvented their roles are

victims and traffickers. The first ones struggling for the rights they are entitled to. The second ones using technology as a new way to attack. Only time will tell if actions taken by the EU were enough to tackle human trafficking.

So far, measures taken have been helpful in many ways. Like having a better understanding of how this difficulty affects society. At the rate this issue evolves, further analysis or probably even new categories are necessary to determine the scope THB has. To this point, the analysis of documents allows to have an overview to the principal features of HT, EU's actions and challenges. Every document analysed shows the importance of observing changes in order to look for better solutions. The EU is been sharp when it comes to this phenomenon, common initiatives and institutions have been a major help. However, there are many challenges it cannot quite confront. One of them is reaching cooperation and coherence, overlapping or duplication of initiatives is a recurrent setback. When we are talking about an issue that transcends borders consistency is key.

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